IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL
ORIGINAL JURISDICTION

Dated: Nainital: The April 5th, 2006
Criminal Misc. Bail Application No. 193 of 2006
Order on the bail application of accused

CRIMINAL SIDE

Javed S/o Shri Glzar
R/o Village Madhopur Hajratpur
P.S. Gang Naher, Roorkee
District Haridwar ….Applicant

Versus

State of Uttaranchal ..Opposite Party

Arising out of Case of Crime No. 223 of 2005
Under Section 363, 366, 368, 376 IPC & 3(2)(5)S.C. S.T. Act
Police Station- Gang Naher Roorkee
District Haridwar

Hon'ble J.C.S. Rawat, J.

Heard Sri Subhash Chandra Tyagi learned counsel for the applicant and learned A.G.A. for the State.

Perused the record. It was contended on behalf of the applicant that the girl was a consenting party. The age of the girl was 17 to 18 years at the time occurrence. It was contended that there were sufficient opportunities to the victim to escape from the place when she was left alone and she could have sought the help from the other persons. The learned counsel for the applicant contended that she was taken from one place to other places and she kept silent and did not make any hue and cry. Considering the facts and circumstances of the case, it is a fit case for bail.

Let the applicant-accused be released on bail on executing a personal bond and two sureties each in the like amount to the satisfaction of the C.J.M. concerned.

(J.C.S. Rawat, J.)

Dated 05.04.2006
LSR